program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 955

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 955, a bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigration Responsibility Act of 1996.

S. 982

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 982, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day''.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 92

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 92, a resolution to designate the week begining june 3, 2001, as ''National Correctional Officers and Employees Week''.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 385

At the request of Mrs. CARNAHAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of amendment No. 385.

AMENDMENT NO. 466

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mrs. CLINTON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 466.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 466, supra.

AMENDMENT NO. 540

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 540.

AMENDMENT NO. 573

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 573, intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 648

At the request of Mr. HELMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 648.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. SMITH of Oregon, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Ms. STABENOW, Mr. THOMAS, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, and Mr. FITZGERALD):

S. 994. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SCHUMER. Mr. President, I rise today to announce the introduction of the Iran-Libya Sanctions Extension Act, which extends American sanctions against foreign companies which invest in Iran and Libya's oil sectors for 5 years.

At a time when many people in Washington are seeking to review America's sanctions policies, this bill—with its 74 original cosponsors—says that sanctions against the world's worst rogue states will remain firmly in place. I hope that President Bush will recognize the message sent by the overwhelming support for this legislation, and will put to rest the idea that the Iran-Libya Sanctions Act might expire or be weakened.

ILSA has been one of America's best weapons in our war against terrorism, because it is aimed at cutting off the flow of money that terrorist groups depend on to fund their attacks and operations.

Over the past 5 years, ILSA has effectively deterred foreign investment in Iran's oil fields: of the 55 projects for which Iran sought foreign investment, only 6 have been funded, and none have been completed.

That's what ILSA's all about: it limits the ability of Iran and Libya to reap oil profits that can be spent funding terrorism and for weapons of mass destruction.

Even with ILSA in place, Iran continues to supply upwards of $100 million to Hezbollah, Islamic Jihad and Hamas—which claimed responsibility for the suicide bombing last week in Tel Aviv that killed 20 Israeli children.

Can you imagine how much more Iran would be spending on terrorism

and weapons of mass destruction if they had billions more in oil profits rolling in?

The truth is, ILSA is needed now more than ever.

Despite the election of the so-called ''moderate'' President Mohammad Khatami in 1997, Iran remains the world's most active state sponsor of terrorism, and has been feverishly seeking to develop weapons of mass destruction.

And on the eve of another election in Iran, Khatami continues to vilify the United States, and in his most recent call for the destruction of Israel, referred to Israel as ''a parasite in the heart of the Muslim world.'' These are not the words of a moderate, worthy of American concessions.

As far as Libya is concerned, we all learned recently that the Libyan government was directly involved in the bombing of Pan Am 103—one of the most heinous acts of terrorism in history.

Yet Libya obstinately refuses to abide by U.N. Security Council resolutions requiring it to formally renounce terrorism, accept responsibility for the government officials convicted of masterminding the bombing, and compensate the victims' families.

Some say we should lift sanctions on rogue nations like Iran and Libya first, and decent, moral, internationally-acceptable behavior will follow.

I say that is twisted logic.

If these nations are serious about entering the community of nations, and seeing their economies benefit from global integration, they must change their behavior first.

They must adapt to the world community, the world community does not need to adapt to them.

The bottom line is that these sanctions must remain in place until Iran ends its support of international terrorism, and ends its dangerous quest for catastrophic weapons.

For Libya, it means full acceptance of responsibility for the Pan Am 103 bombing and full compensation for the families of the victims.

If that day arrives, ILSA will no longer be needed and will be terminated. Unfortunately, that day is not yet in sight.

Finally, I would urge the Bush Administration, as it reviews American sanctions policies, to consider that letting ILSA expire would send the wrong message to Iran and Libya.

This is not the time to weaken sanctions and permit investment that can be used to fund terrorist acts like the one we saw in Israel last week.

Mr. MCCAIN. Mr. President, I join my colleagues in support of renewing the Iran-Libya Sanctions Act to protect American interests in the Middle East. Despite promising changes within Iranian society, Iran's external behavior remains provocative and destabilizing. Iran continues to aggressively foment terrorism beyond its borders and develop weapons of mass destruction as a matter of national policy. Consistent calls from its leaders for Israel's destruction, and the Iranian government's bankrolling of murderous behavior by Hezbollah, Hamas, and other terrorist groups, should make clear to all friends of peace where Iran stands, and what role it has played, in the conflagration that threatens to consume an entire region.

Of grave concern are recent revelations that implicate Iran's most senior leaders in the 1996 terrorist attack on Khobar Towers, which took the lives of 19 U.S. service men. If true, America's response should extend far beyond renewing ILSA.

The successful conclusion of the Lockerbie trial, which explicitly implicated Libya's intelligence services in the attack, does not absolve Libya of its obligations to meet fully the terms of the U.N. Security Council resolutions governing the multilateral sanctions regime against it. Libya has not done so. Libya's support for state terrorism, as certified again this year by our State Department, and its aggressive efforts to develop chemical and potentially nuclear weapons, exclude Libya from the ranks of law-abiding nations.

Lifting sanctions on Iran and Libya at this time would be premature and would unjustly reward their continuing hostility to basic international norms of behavior. Overwhelming Congressional support for renewing the Iran-Libya Sanctions Act reflects a clear, majority consensus on U.S. relations with these rogue regimes. Were the foreign and national security policies of Iran and Libya truly responsive to the will of their people, our relationship with their nations would be far different. But Libya's Qaddafi and Iran's ruling clerics hold their citizens hostage by their iron grip on power. Supporting their replacement by leaders elected by and accountable to their people should be a priority of American policy.

By Mr. AKAKA (for himself, Mr. LEVIN, and Mr. GRASSLEY):

S. 995. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing amendments to the Whistleblower Protection Act, WPA, that will strengthen protections for federal employees who disclose waste, fraud, and abuse. I am proud to be joined by Senators LEVIN and GRASSLEY, two of the Senate's leaders in protecting employees from retaliatory actions. The Senators from Michigan and Iowa were the primary sponsors of the original 1989 Act, as well as the 1994 amendments, both of which were passed unanimously by Congress.

One of the basic obligations of public service is to disclose waste, fraud, abuse, and corruption to appropriate authorities. The WPA was intended to protect federal employees, those often closest to wrongdoing, from workplace retaliation as a result of making such disclosures. The right of federal employees to be free from workplace retaliation, however, has been diminished by a pattern of court rulings that have narrowly defined who qualifies as a whistleblower under the WPA, and what statements are considered protected disclosures. These rulings are inconsistent with congressional intent. There is little incentive for federal employees to come forward because doing so could put their careers at substantial risk.

The bill we introduce today will restore congressional intent regarding who is entitled to relief under the WPA, and what disclosures are protected. In addition, it codifies certain anti-gag rules, extends independent litigating authority to the Office of Special Counsel, OSC, and ends the sole jurisdiction of the United States Court of Appeals for the Federal Circuit over whistleblower cases.

In the Civil Service Reform Act of 1978, CSRA, Congress included statutory whistleblower rights for ''a'' disclosure evidencing a reasonable belief of specified misconduct, with certain listed statutory exceptions—classified or other information whose release was specifically barred by other statutes. Unexpectedly, the court and administrative agencies created several loopholes that limited employee protections. With the WPA, Congress closed these loopholes by changing protection of ''a'' disclosure to ''any'' disclosure meeting the law's standards. However, in both formal and informal interpretations of the Act, loopholes continued to proliferate.

Congress strengthened its scope and protections by passing 1994 amendments to the WPA. The Governmental Affairs Committee report on the 1994 amendments refuted prior interpretations by the Federal Circuit and the Merit Systems Protection Board, MSPB, as well as subsequent enforcement action by the Office of Special Counsel that there were exceptions to ''any.'' The Committee report concluded, ''The plain language of the Whistleblower Protection Act extends to retaliation for 'any disclosure,' regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made.''

Since the 1994 amendments, both OSC and MSPB generally have honored congressional boundaries. However, the Federal Circuit continues to disregard clear statutory language that the Act covers disclosures such as those made to supervisors, to possible wrongdoers, or as part of an employee's job duties.

In order to protect the statute's foundation that ''any'' lawful disclosure that the employee or applicant reasonably believes is credible evidence of waste, fraud, abuse, or gross mismanagement is covered by the WPA, our bill codifies the repeated and unconditional statements of congressional intent and legislative history. It amends sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C., to cover any disclosure of information ''without restriction to time, place, form, motive or context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is credible evidence of'' any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8).

The bill also codifies an ''anti-gag'' provision that Congress has passed annually since 1988 as part of the appropriations process. It bans agencies from implementing or enforcing any nondisclosure policy, form or agreement that does not contain specified language preserving open government statutes such as the WPA, the Military Whistleblower Protection Act, and the Lloyd Lafollette Act, which prohibits discrimination against government employees who communicate with Congress. Gag orders imposed as a precondition for employment and resolution of disputes, as well as general agency policies barring employees from communicating directly with Congress or the public, are a prior restraint that not only has a severe chilling effect, but strikes at the heart of this body's ability to perform its oversight duties. Congress repeatedly has reaffirmed its intent that employees should not be forced to sign agreements that supercede an employee's rights under good government statutes. Moreover, Congress unanimously has supported the concept that federal employees should not be subject to prior restraint from disclosing wrongdoing nor suffer retaliation for speaking out.

The measure also provides the Special Counsel with greater litigating authority for merit system principles that the office is responsible to protect. Under current law, the OSC plays a central role as public prosecutor in cases before the MSPB, but cannot choose to defend the merit system in court. Our legislation recognizes that providing the Special Counsel this authority to seek such review, in precedential cases, is crucial to ensuring the promotion of the public interests furthered by these statutes.

Lastly, the bill would end the Federal Circuit's monopoly over whistleblower cases by allowing appeals to be filed in the Federal Circuit or the circuit in which the petitioner resides. This restores normal judicial review, and provides employees in states such as my home state of Hawaii, the option of a more convenient forum, rather than necessitating a 10,000 mile round trip from Hawaii to Washington, D.C.

This bill will begin the needed dialogue to guarantee that any disclosures within the boundaries of the statutory language are protected. As the Chairman of the Federal Services Subcommittee, I plan to hold a hearing on the Whistleblower Protection Act and the amendments we are proposing today.

Protection of Federal whistleblowers is a bipartisan effort. Enactment of the original bill in 1989 and the 1994 amendments enjoyed unanimous bicameral support, and I am pleased that Representatives MORELLA and GILMAN will introduce identical legislation in the House of Representatives in the near future. I also wish to note that our bill enjoys the strong support of the Government Accountability Project and the National Whistleblower Center, and I commend both of these organizations for their efforts in protecting the public interest and promoting government accountability by defending whistleblowers.

I urge my colleagues to join in the effort to ensure that the congressional intent embodied in the Whistleblower Protection Act is codified and that the law is not weakened further. I ask unanimous consent that letters in support of our bill from the National Whistleblower Center and the Government Accountability Project and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is credible evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is credible evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation''; and

(3) by adding at the end the following:

''(C) a disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is credible evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of the executive branch or Congress who has the appropriate security clearance for access to the information disclosed.''.

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking ''This subsection'' and inserting the following:

''This subsection''; and

(2) by adding at the end the following:

''In this subsection, the term 'disclosure' means a formal or informal communication or transmission.''.

(c) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

'' 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

(d) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.''.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

''(e) The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(e) JUDICIAL REVIEW.—Section 7703 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (b)(1) by inserting before the period ''or the United States court of appeals for the circuit in which the petitioner resides''; and

(2) in subsection (d)—

(A) in the first sentence by striking ''the United States Court of Appeals for the Federal Circuit'' and inserting ''any appellate court of competent jurisdiction as provided under subsection (b)(2)''; and

(B) in the third and fourth sentences by striking ''Court of Appeals'' each place it appears and inserting ''court of appeals'' in each such place.

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, June 6, 2001.

Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on International Security, Proliferation, and Federal Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Whistleblower Center is pleased to announce its support for your bill to update and strengthen the Whistleblower Protection Act (WPA). We would like to commend your leadership in introducing this significant and important legislation.

The National Whistleblower Center was established because of the critical role that credible whistleblowers play in the effective functioning of our system of checks and balances. Despite this critical role, federal whistleblowers have not always enjoyed the same rights as other citizens. The Center has therefore maintained an on-going vigilance and commitment to preserving the integrity of the whistleblower process.

In recent years, protections for whistleblowers have eroded. This is mainly due to recent decisions in cases before the U.S. Court of Appeals for the Federal Circuit, which presently holds a monopoly on appeals under the WPA. The Center is therefore enthusiastic in its support of the provision in your bill that offers employees an additional venue for appeals.

Your bill would also codify so-called ''anti-gag'' language that has been included each year for the past twelve years in appropriations bills. The language has been needed to avoid ambiguity in the government's efforts to prevent improper disclosures of information. The ambiguity created a chilling effect for employees who otherwise had the right to make proper disclosures to Congress and elsewhere. This provision would clear a major hurdle in protecting the rights of employees to disclose instances of wrongdoing by government officials.

The Center is concerned that, in the larger picture, improvements in the whistleblower protection system require more fundamental changes. For instance, there should be tougher provisions to hold accountable those managers who retaliate against whistleblowers. In addition, those who bring their cases under laws other than the WPA have had much greater success. This is in part because of adverse decisions by the Federal Circuit, but it also suggests that the WPA is not as whistleblower-friendly in practice as we hoped it would be when we passed and amended the WPA. These are issues to be addressed down the road, and the Center would be happy to provide you the benefit of our experience in these matters.

Nonetheless, your bill, if passed, would make an important and necessary contribution toward improvements in the protection of whistleblowers under the WPA. Again, we commend your leadership in the introduction of this bill, and we look forward to working with you and your co-sponsors during the hearing process and throughout the legislative process.

Sincerely,

KRIS J. KOLESNIK,
Executive Director.

GOVERNMENT ACCOUNTABILITY PROJECT,
Washington, DC, June 7, 2001.

Hon. DANIEL K. AKAKA,
Chairman, Subcommittee on International Security, Proliferation and Federal Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Government Accountability Project (GAP) commends your leadership in sponsoring legislation to revive and strengthen the Whistleblower Protection Act (WPA). This is the primary civil service law applying merit system rights to good government safeguards. Your initiative is indispensable to restore legitimacy for the law's unanimous congressional mandate, both in 1989 when it was passed originally and in 1994 when it was unanimously strengthened. We similarly appreciate the partnership of original cosponsors Senators Levin and Grassley. They remain visible leaders from the pioneer campaigns that earned this legislative mandate.

GAP is a non-partisan, non-profit public interest organization whose mission is supporting whistleblowers, those employees who exercise free speech rights to challenge betrayals of the public trust about which they learn on the job. We advocated initial passage of whistleblower rights as part of the Civil Service Reform Act of 1978, and have led outside campaigns for passage of the WPA, as well as analogous laws for military service members, state, municipal and corporate employees in industries ranging from airlines to nuclear energy. Last year GAP drafted a model whistleblower law approved by the Organization of American States (OAS) for implementation of the Inter-American Convention Against Corruption.

Unfortunately, your leadership is a necessity for the Act to regain legitimacy. In 1994 on paper it reflected the state of the art for whistleblower rights. Despite pride in helping to win its passage, GAP now must warn those seeking help that the law is more likely to undermine than reinforce their rights. This is because the Federal Circuit Court of Appeals, which has a monopoly on appellate judicial review, has functionally erased basic statutory language and implicitly added new provisions that threaten those seeking help. Your legislation both solves the specific problems, and includes structural reform to prevent their recurrence by restoring normal judicial review. Congress had to approve both the 1989 and 1994 legislation to cancel previous instances of judicial activism by this same court. This pattern must end for the law again to become functional.

Your bill also incorporates an appropriations rider approved for the last 13 years, known as the ''anti-gag statute.'' This provision requires agencies to notify employees that any restrictions on disclosures do not override their rights under the WPA, or other open government laws such as the Lloyd Lafollette Act protecting communications with Congress. The rider has worked. It has proven effective and practical against agency attempts to impose secrecy through orders or nondisclosure agreements that cancel Congress and the public's right to know. It is time to institutionalize this success story.

Even if implemented as intended, the 1989 and 1994 legislation was a beginning, rather than a panacea. More work is necessary to disrupt the deeply ingrained tradition of harassing whistleblowers. Based on our experience, issues such as the following must be addressed for the law to fulfill its promise—closing the ''security clearance loophole'' that permits merit system rights to be circumvented through removing clearances that are a condition for employment; providing meaningful relief for those who win their cases; preventing retaliation by creating personal accountability for those who violate the merit system; and giving whistleblowers access to jury trials to enforce their rights.

Your legislation is a reasonable and essential first step on the road to recovery for whistleblower rights in the merit system. It sends a clear message that congress was serious when it passed this law in 1989 and strengthened it in 1994. Congressional persistence is a prerequisite for those who defend the public to have a decent chance of defending themselves. We look forward to working with you and your co-sponsors in passing this legislation.

Sincerely,

TOM DEVINE,
Legal Director.
DOUG HARTNETT,
National Security Director.

Mr. LEVIN. Mr. President, I am pleased to join Senators AKAKA and GRASSLEY today in sponsoring amendments to the Whistleblower Protection Act that will strengthen the law protecting employees who blow the whistle on fraud, waste, and abuse in federal programs. I sponsored the Whistleblower Protection Act in 1989 which strengthened and clarified the intent of whistleblower rights in the merit system. But recent holdings by the United States Court of Appeals for the Federal Circuit have corrupted the intent of Congress, with the result that additional clarifying language is sorely needed. The Federal Circuit has seriously misinterpreted key provisions of the whistleblower law, and the bill we are introducing today is intended to correct those misinterpretations.

Congress has long recognized the obligation we have to protect a Federal

employee when he or she discloses evidence of wrongdoing in a Federal program. If an employee reasonably believes that a fraud or mismanagement is occurring, and that employee has the courage and the sense of responsibility to make that fraud or mismanagement known, it is our duty to protect the employee from any reprisal. We want Federal employees to identify problems in our programs so we can fix them, and if they fear reprisal for doing so, then we are not only failing to protect the whistleblower, but we are also failing to protect the taxpayer. We need to encourage, not discourage, disclosures of fraud, waste and abuse.

Today, however, the effect of the Federal Circuit decisions is to discourage the Federal employee whistleblower and overturn Congressional intent. The Federal Circuit has misinterpreted the plain language of the law on what constitutes protected disclosure under the Whistleblower Protection Act. Most notably, in the case of Lachance versus White, decided on May 14, 1999, the Federal Circuit imposed an unfounded and virtually unattainable standard on Federal employee whistleblowers in proving their cases. In that case, John E. White was an education specialist for the Air Force who spoke out against a new educational system that purported to mandate quality standards for schools contracting with the Air Force bases. White criticized the new system as counterproductive because it was too burdensome and seriously reduced the education opportunities available on base. After making these criticisms, local agency officials reassigned White, removing his duties and allegedly isolating him. However, after an independent management review supported White's concerns, the Air Force canceled the program White had criticized. White appealed the reassignment in 1992 and the case has been in litigation ever since.

The administrative judge initially dismissed White's case, finding that his disclosures were not protected by the Whistleblower Protection Act. The MSPB, however, reversed the administrative judge's decision and remanded it back to the administrative judge holding that since White disclosed information he reasonably believed evidenced gross mismanagement, this disclosure was protected under the Act. On remand, the administrative judge found that the Air Force had violated the Whistleblower Protection Act and ordered the Air Force to return White to his prior status; the MSPB affirmed the decision of the administrative judge. OPM petitioned the Federal Circuit for a review of the board's decision. The Federal Circuit reversed the MSPB's decision, holding that there was not adequate evidence to support a violation under the Whistleblower Protection Act. The Federal Circuit held that the evidence that White was a specialist on the subject at issue and aware of the alleged improper activities and that his belief was shared by other employees was not sufficient to meet the ''reasonable belief'' test in the law. The court held that ''the board must look for evidence that it was reasonable to believe that the disclosures revealed misbehavior [by the Air Force] . . .'' The court went on to say:

> In this case, review of the Air Force's policy and implementation via the QES standards might well show them to be entirely appropriate, even if not the best option. Indeed, this review would start out with a ''presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with the law and governing regulations. . . . And this presumption stands unless there is 'irrefragable proof to the contrary'.''

The fact that the Federal Circuit remanded the case to the MSPB to have the MSPB reconsider whether it was reasonable to believe that what the Air Force did in this case involved gross mismanagement was appropriate. But, the Federal Circuit went on to impose a clearly erroneous and excessive standard on the employee in proving ''reasonable belief,'' requiring ''irrefragable'' proof that there was gross mismanagement. Irrefragable means ''undeniable, incontestable, incontrovertible, incapable of being overthrown.'' How can a Federal employee meet a standard of ''irrefragable'' in proving gross mismanagement? Moreover, there is nothing in the law or the legislative history that even suggests such a standard with respect to the Whistleblower Protection Act. The intent of the law is not for the employee to act as an investigator and compile evidence to have ''irrefragable'' proof that there is fraud, waste or abuse. The employee, under the clear language of the statue, need only have ''a reasonable belief'' that there is fraud, waste or abuse occurring before making a protected disclosure. This bill will clarify the law so this misinterpretation will not happen again.

The bill addresses a number of other important issues as well. For example, the bill adds a provision to the Whistleblower Protection Act that provides specific protection to a whistleblower who discloses evidence of fraud, waste, and abuse involving classified information if that disclosure is made to the appropriate committee of Congress or Federal executive branch employee authorized to receive the classified information.

In closing, I want to thank Senator AKAKA for his leadership in this area.

Mr. GRASSLEY. Mr. President, I rise with determination to join Senators AKAKA and LEVIN introducing legislation on an issue that should concern us all: the integrity of the Whistleblower Protection Act of 1989. I enclose editorials and op-ed commentaries, ranging from the New York Times to the Washington Times highlighting the needs for this law to be reborn so that it achieves its potential for public service. Unfortunately, it has become a Trojan horse that may well be creating more reprisal victims than it protects. The impact for taxpayers could be to increase silent observers who passively conceal fraud, waste and abuse. That is unacceptable.

I was proud to be an original co-sponsor of this law when it was passed unanimously by Congress in 1989, and when it was unanimously strengthened in 1994. Both were largely passed to overturn a series of hostile decisions by administrative agencies and an activist court with a monopoly on the statute's judicial review, the Federal Circuit Court of Appeals. The administrative agencies, the U.S. Office of Special Counsel and the Merit Systems Protection Board, appear to have gotten the point. They have been operating largely within statutory boundaries. Despite the repeated unanimous congressional mandates, however, the Federal Circuit has stepped up its attacks on the Whistleblower Protection Act. Enough is enough.

The legislation we are introducing today has four cornerstones, closing loopholes in the scope of WPA protection; restoring a realistic test for when reprisal protection is warranted; restoring the normal structure for judicial review; and codifying the anti-gag statute passed as an appropriations rider for the last 13 years. Each is summarized below.

As part of 1994 amendments unanimously passed by Congress to strengthen the Act, the legislative history emphasized, ''[I]t also is not possible to further clarify the clear language in section 2302(b)(8) that protection for 'any' whistleblowing disclosure truly means 'any.' A protected disclosure may be made as part of an employee's job duties, may concern policy or individual misconduct, and may be oral or written and to any audience inside or outside the agency, without restriction to time, place, motive or content.''

Somehow the Federal Circuit did not hear our unanimous voice. Without commenting on numerous committee reports and floor statements emphasizing this cornerstone, it has been creating new loopholes at an accelerated pace. Its precedents have shrunk the scope of protected whistleblowing to exclude disclosures made as part of an employee's job duties, to a co-worker, boss, others up the chain of command, or even the suspected wrongdoer to check facts. Under these judicial loopholes, the law does not cover agency misconduct with the largest impact, policies that institutionalize illegality or waste and mismanagement. Last December it renewed a pre-WPA loophole that Congress has specifically outlawed. The court decreed that the law only covers the first person to place evidence of given misconduct on the record, excluding those who challenge long term abuses, witnesses whose testimony supports pioneer whistleblowers, or anyone who is not the Christopher Columbus for any given scandal.

There is no legal basis for any of these loopholes. None of these loopholes came from Congress. In fact, all

contradict express congressional intent. Since 1978, the point of Federal whistleblower protection has been to give agencies the first crack at cleaning their own houses. These loopholes force them to either remain silent, sacrifice their rights, or go behind the back of institutions and individuals if they want to preserve their rights when challenging perceived misconduct. They proceed at their own risk if they exercise their professional expertise to challenge problems on the job. They can only challenge anecdotal misconduct on a personal level, rather than institutionalized.

Our legislation addresses the problem by codifying the congressional ''no exceptions'' definition for lawful, significant disclosures. The legislation also reaffirms the right of whistleblowers to disclose classified information about wrongdoing to Congress. National security secrecy must not cancel Congress' right to know about betrayals of the public trust.

In a 1999 decision, the Federal Circuit functionally overturned the standard by which whistleblowers demonstrate their disclosures deserve protection: lawful disclosures which evidence a ''reasonable belief'' of specific misconduct. Congress did not change this standard in 1989 or 1994 for a simple reason: it has worked by setting a fair balance to protect responsible exercises of free speech. Ultimate proof of misconduct has never been a prerequisite for protection. Summarized in lay terms, ''reasonable belief'' has meant that if information would be accepted for the record of related litigation, government investigations or enforcement actions, it is illegal to fire the employee who bears witness by contributing that evidence.

That realistic test no longer exists. In Lachance v. White, the Federal Circuit overturned the victory of an Air Force education specialist challenging a pork barrel program whose concerns were so valid that after an independent management review, the Air Force agreed and canceled the program. Unfortunately, local base officials held a grudge, reassigning Mr. White and stripping him of his duties. He appealed under the WPA and won before the Merit Systems Protection Board. The Federal Circuit, however, held that he did not demonstrated a ''reasonable belief'' and sent the case back. That raises questions on its face, since agencies seldom agree with whistleblowers.

The court accomplished this result disingenuously. While endorsing the existing standard, it added another hurdle. It held that to have a reasonable belief, an employee must overcome the presumption that the government acts fairly, lawfully, properly and in good faith. They must do so by ''irrefragable'' proof. The dictionary defines ''irrefragable'' as ''uncontestable, incontrovertible, undeniable, or incapable of being overthrown.'' The bottom line is that, in the absence of a confession, there is no such thing as a reasonable belief. If there is no disagreement about alleged misconduct, there is no need for whistleblowers.

The court even added a routine threat for employees asserting their rights. Although Congress has repeatedly warned that motives are irrelevant to assess protected speech, the court ordered the MSPB to conduct factfinding for anyone filing a whistleblower reprisal claim, to check if the employee had a conflict of interest for disclosing alleged misconduct in the first place. This means that while whistleblowers have almost no chance of prevailing, they are guaranteed to be placed under investigation for challenging harassment. Ironically, in 1994 Congress outlawed retaliatory investigations, which have now been institutionalized by the court.

In the aftermath, whistleblower support groups like the Government Accountability Project must warn those seeking guidance that if they assert rights, they will be placed under investigation and any eventual legal ruling on the merits inevitably will conclude they deserve punishment and formally endorse the retaliation they suffered. The White case is a decisive reason for those who witness fraud, waste and abuse to remain silent, instead of speaking out. Profiles in Courage are the exception, rather than the rule. Our legislation ends the presumptions of ''irrefragable proof'' and protects any reasonable belief as demonstrated by credible evidence.

This is the third time Congress has had to reenact a unanimous good government mandate thrown out by the Federal Circuit. This is also three strikes for the Federal Circuit's monopoly authority to interpret, and repeatedly veto, this law. It is time to end the broken record syndrome.

The Civil Service Reform Act of 1978 contained normal ''all circuits'' court of appeals judicial review under the Administrative Procedures Act. This was the same structure as all other employment anti-reprisal or anti-discrimination statutes. In 1982, the Federal Circuit was created, with a unique monopoly on appellate review of civil service, patent and copyright, and International Trade Commission decisions. Unfortunately, this experiment has failed. Our amendment restores the normal process of balanced review. Hopefully, that will restore normal respect for the legislative process.

In 1988, I was proud to introduce an appropriations rider to the Treasury, Postal and General Government bill which has been referred to as the ''anti-gag statute.'' It has survived constitutional challenge through the Supreme Court, and been unanimously approved in each of the last 13 appropriations bills. This provision makes it illegal to enforce agency nondisclosure policies or agreements unless there is a specific, express addendum informing employees that the disclosure restrictions do not override their right to communicate with Congress under the Lloyd Lafollette Act or other good government laws such as the Whistleblower Protection Act.

The provision originally was in response to a new, open-ended concept called ''classifiable.'' That term was defined as any information that ''could or should have been classified,'' or ''virtually anything,'' even if it were not market secret. This effectively ended anonymous whistleblowing disclosures, imposed blanket prior restraint, and legalized after-the-fact classification as a device to cover up fraud or misconduct. Since employees no longer were entitled to prior notice that information was secret, the only way they could act safely was a prior inquiry to the agency whether information was classified. That was a neat structure to lock in secrecy when its only purpose is to thwart congressional or public oversight. I am proud that the anti-gag statute has worked, and the strange concept of ''classifiable'' is history. After 13 years and over 6,000 individual congressional votes without dissent, it is time to institutionalize this merit system principle.

It should be beyond debate that the price of liberty is eternal vigilance. I want to recognize the efforts of those whose stamina defending freedom of speech has applied that principle in practice. Senator LEVIN has been my Senate partner from the beginning of legislative initiatives on this issue. His leadership has proved that whistleblower protection is not an issue reserved for conservatives or liberals, Democrats or Republicans. Like the First Amendment, whistleblower protection is a cornerstone right for Americans.

Nongovernmental organizations have made significant contributions as well. The Government Accountability Project, a non-profit, non-partisan whistleblower support group, has been a relentless watchdog of merit system whistleblower rights since they were created by statute in 1978. Thanks to GAP, my staff has not been taken by surprise as judicial activism threatened this good government law. Kris Kolesnick, formerly with my staff and now with the National Whistleblower Center, worked on the original legislation while on my staff and continues to work in partnership with me.

In the decade since Congress unanimously passed this law, it has been a Taxpayer Protection Act. My office has been privileged to work with public servants who exposed indefensible waste and mismanagement at the Pentagon, as well as indefensible abuses of power at the Department of Justice. I keep learning that whistleblowers proceed at their own risk when defending the public. In case after case I have seen the proof of Admiral Rickover's insight that unlike God, the bureaucracy does not forgive. Nor does it forget.

It also has been confirmed repeatedly that whistleblowers must prove their commitment to stamina and persistence in order to make a difference

against ingrained fraud, waste and abuse. There should be no question about Congress', or this Senator's commitment. Congress was serious when it passed the Whistleblower Protection Act unanimously. It is not mere window dressing. As long as whistleblowers are defending the public, we must defend credible free speech rights for genuine whistleblowers. Those who have something to hide, the champions of secrecy, cannot outlast or defeat the right to know both for Congress, law enforcement agencies and the taxpayers. Every time judicial or bureaucratic activists attempt to kill this law, we must revive it in stronger terms. Congress can not watch passively as this law is gutted, or tolerate gaping holes in the shield protecting public servants. The taxpayers are on the other side of the shield, with the whistleblowers.

Mr. President, I ask unanimous consent that the October 13, 1999 article from The Washington Times and the May 1, 1999 article from The New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 13, 1999]

SILENT WHISTLEBLOWERS

WORKER PROTECTIONS ARE UNDER ATTACK

(By Tom Devine and Martin Edwin Anderson)

Judicial activism is always suspect, but when it overturns laws protecting the public's interest in order to shield bureaucratic secrecy, it makes a mockery of the legal system itself.

The issue has become a front-burner in Congress as it takes a new look at a significant good-government law that twice won unanimous passage. In the aftermath of extremist judicial activism that functionally overturned the statute, a crucial campaign has been launched this week on the Hill to enlist members as friends of the court in a brief seeking Supreme Court review of the circuit court decision.

At issue is a ruling made final in July by the Federal Circuit Court of Appeals, which disingenuously overturned two laws unanimously passed by Congress—the code of Ethics for Government Service and the Whistleblower Protection Act. The decision, White vs. Lachance, was the handiwork of a chief judge whose previous job involved swinging the ax against federal workers who dared to commit the truth.

At issue is the fate of Air Force whistleblower John White, who lost his job in 1991 after successfully challenging a pork-barrel ''quality management'' training program as mismanagement. Government and private sector experts concurred with Mr. White, and universities affected by it began heading for the door. Even the Air Force agreed, canceling it after outside experts agreed with Mr. White.

Thrice the Merit Systems Protection Board (MSPB), an independent federal agency, ruled in Mr. White's favor. Each time the Justice Department appealed on technicalities. Now the federal court went further than asked while speculating that Mr. White's disclosures may not have evidenced a ''reasonable belief''—the test for disclosures to be protected.

The court camouflaged its death-knell for the whistleblower law in banal legalese, defining ''reasonable belief'' as, ''Could a disinterested observer with knowledge of the essential facts reasonably conclude gross mismanagement?'' But the bland explanatory guidance exposed a feudalistic duty of loyalty to shield misconduct by bureaucratic bosses: ''Policymakers have every right to expect loyal, professional service from subordinates.'' So much for the Code of Ethics for Government Service, which establishes the fundamental duty of federal employees to ''put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department.''

The court also disarmed the whistleblower law, claiming it ''is not a weapon in arguments over policy.'' Yet when it unanimously approved 1994 amendments, Congress explicitly instructed, ''A protected disclosure may concern policy or individual misconduct.''

Worse was a court-ordered ''review'' as a prerequisite to find a ''reasonable belief'' of wrongdoing. It must begin with the ''presumption that public officers perform their duties correctly, fairly, in good faith and in accordance with the law. . . . [T]his presumption stands unless there is 'irrefragable' proof to the contrary.''

''Irrefragable,'' according to Webster's Dictionary, means ''incapable of being overthrown, incontestable, undeniable, incontrovertible.'' The court's decision kills freedom of speech if there are two rational sides to a dispute—leaving it easier to convict a criminal than for a whistleblower to be eligible for protection. The irrefragable presumption of government perfection creates a thick shield protecting big government abuses—precisely the opposite of why the law was passed.

Finally, the court ordered the MSPB to facilitate routine illegality by seeking evidence of a whistleblower's conflict of interest during every review. Retaliatory investigations—those taken ''because of'' whistleblowing activities—are tantamount to witchhunts and were outlawed by Congress in 1994. For federal employees, the Big Brother of George Orwell's ''1984'' has arrived 15 years late.

Key to understanding the decision is the role played by Chief Judge Robert Mayer. Previously, Judge Mayer served as deputy special counsel in an era when MSPB's Office of Special Counsel (under its Chief Alex Kozinski, now a 9th Circuit Court of Appeals judge) tutored managers and taught courses on how to fire whistleblowers without leaving fingerprints. Congress passed the WPA in part to deal with these abuses.

Now Judge Mayer's judicial revenge is a near-perfect gambit, as his court has a virtual monopoly on judicial review of MSPB whistleblower decisions.

Congress must act quickly to pass a legislative definition of ''reasonable belief'' that eliminates the certainty of professional suicide for whistleblowers and restores the law's good-government mandate. It also needs to provide federal workers the same legal access enjoyed by private citizens; jury trials and all circuits judicial review in the appeals courts.

It is unrealistic to expect federal workers with second-class rights to provide first-class public service. Returning federal workers to the Dark Ages is an inauspicious way to usher in a new millennium.

[From the New York Times, May 1, 1999]

HELPING WHISTLE-BLOWERS SURVIVE

Jennifer Long, the Internal Revenue Service agent who nearly lost her job two weeks ago after publicly blowing the whistle on abuses at the agency, was rescued at the last minute by the intervention of an influential United States Senator. But the fact that her employers had no inhibitions about harassing her is clear evidence that the laws protecting whistle-blowers need to be strengthened. As they stand, these laws merely invite the kind of retaliation that Mrs. Long endured.

A career tax auditor, Mrs. Long was the star witness at Senate Finance Committee hearings convened in 1997 by William Roth of Delaware to investigate complaints against the I.R.S. She was the only I.R.S. witness who did not sit behind a curtain and use a voice distortion device to hide her identity. She accused the agency of preying on weaker taxpayers and ignoring cheating by those with the resources to fight back. She has since said that she was subject to petty harassments from the moment she arrived back at her district office in Houston. Then, on April 15 of this year, she was given what amounted to a termination notice, at which point Mr. Roth intervened with the I.R.S. commissioner and saved her job—at least for now.

Had he not intervened, Mrs. Long's only hope of vindication would have been the remedies provided by the Civil Service Reform Act of 1978 and the Whistle-Blower Protection Act of 1989. These two statutes prescribe a tortuous and uncertain appeals process that in theory guarantees a whistle-blower free speech without fear of retaliation, but in practice is an exercise in frustration. Despite recent improvements, only a handful of Federal employees, out of some 1,500 who appealed in the last four years, have prevailed in rulings issued by the Government's administrative tribunal, the Merit System Protection Board. Overwhelmingly, the rest of the cases were screened out on technical grounds or were settled informally with token relief.

A few prominent whistle-blowers have won redemption outside the system. Frederic Whitehurst, the chemist who was dismissed after disclosing sloppiness and possible dishonesty in the Federal Bureau of Investigation's crime laboratory, won a sizable cash settlement because he had a first-class attorney who mounted an artful public relations campaign. Ernest Fitzgerald, the Pentagon employee who disclosed massive cost overruns, survived because he was almost inhumanly persistent and because his cause, like Mrs. Long's, attracted allies in high places. But the prominence of an issue does not guarantee survival for the employee who discloses it. Notra Trulock, the senior intelligence official at the Energy Department who tried to alert his superiors to Chinese espionage at a Government weapons laboratory, has since been demoted.

Senator Charles Grassley, an Iowa Republican, has been seeking ways to strengthen the 1989 law with the help of the Government Accountability Project, a Washington advocacy group that assists whistle-blowers. One obvious improvement would be to give whistle-blowers the option to press their claims in the Federal courts, where their cases could be decided by a jury. To guard against clogging the system with frivolous litigation, the cases would first be reviewed by a nongovernment administrative panel. But the point is to give whistle-blowers an avenue of appeal outside the closed loop in which they are now trapped.

A reform bill along these lines passed the House in 1994 but died in the Senate. With Mrs. Long's case fresh in mind, the time has come for both Houses to re-examine the issue.

By Mr. ALLARD:

S. 996. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the

Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs.

Mr. ALLARD. Mr. President, the Colorado Springs, Colorado metropolitan area is the home of the United States Air Force Academy, the North American Aerospace Defense Command, United States Space Command, Ft. Carson Army Base, Peterson Air Force Base, and Shriever Air Force Base. There are over 30,000 active duty and reserve military personnel in the city. There are nearly 23,000 retired personnel in the 5th Congressional District, which is based around Colorado Springs, the third largest DoD retired community in any Congressional District in the country. There is, however, no National Military Cemetery.

The bill I am introducing today is a companion piece to legislation introduced in the House by my friend and colleague, JOEL HEFLEY. At my annual town meeting in El Paso County on June 1, I discussed this matter with my constituents. There are many of them who feel strongly that a cemetery is needed and I agree. This bill will allow the thousands of eligible Colorado Springs military personnel, both active duty and retired, to have a chance to find their final resting place in the city so many of them love.

I am aware that the Veterans Administration is not known for prompt and easy cemetery construction. I am aware that there are some areas of the country deemed to have cemetery needs more critical than Colorado Springs. But I do not think that should mean that the people of Colorado Springs are denied the ability to chose a cemetery for themselves and their loved ones that properly honors their contributions to the nation.

I look forward to working on this bill and seeing its eventual passage.

By Mrs. BOXER:

S. 997. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, I am introducing today a bill that addresses an emerging ecological crisis in California that quite literally threatens to change the face of my State, and perhaps others.

California's beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan and Shreve's oak trees, among the most familiar and best loved features of California's landscape are dying from a newly discovered disease known as Sudden Oak Death Syndrome, SODS.

Caused by an exotic species of the Phytophthora fungus, the fungus responsible for the Irish potato famine, SODS first struck a small number of tan oaks in Marin County in 1995. Now the disease has spread to other oak species from Big Sur in the south to Humboldt County in the north. In Marin, Monterey and Santa Cruz counties, desperate local officials are predicting oak mortality rates of 70 to 90 percent unless the deadly fungus is eradicated or its spread is arrested.

The loss of trees is fast approaching epidemic proportions, with tens of thousands of dead trees appearing in thousands of acres of forests, parks, and gardens. As the trees die, enormous expanses of forest, some adjacent to residential areas, are subject to extreme fire hazards. Residents who built their homes around or among oak trees are in particular danger.

Sudden Oak Death Syndrome is already having serious economic and environmental impacts. Both Oregon and Canada have imposed quarantines on the importation of oak products and some nursery stock from California. According to the U.S. Forest Service, removal of dead trees can cost $2,000 or more apiece, and loss of oaks can reduce property values by 3 percent or more. In Marin County alone, tree removal and additional fire fighting needs are expected to cost over $6 million.

Nor is the spread of the Phytophthora fungus limited to oak trees. The fungus has also been found on rhododendron plants in California nurseries, on bay and madrone trees, and on wild huckleberry plants. Due to genetic similarities, this fungus potentially endangers Red and Pin oak trees on the East coast as well as the Northeast's lucrative commercial blueberry and cranberry industries.

If left unchecked, SODS could also cause a broad and severe ecological crisis, with major damage to biodiversity, wildlife habitat, water supplies, forest productivity, and hillside stability. California's oak woodlands provide shelter, habitat and food to over 300 wildlife species. They reduce soil erosion. They help moderate extremes in temperature. And, they aid with nutrient cycling, which ensures that organic matter is broken down and made available for use by other living organisms.

Very little is known about this new species of Phytophthora fungus. Scientists are struggling to better understand Sudden Oak Death Syndrome, how the disease is transmitted, and what the best treatment options might be. The U.S. Forest Service, the University of California, the State Departments of Forestry and Fire Protection, and County Agricultural Commissioners have created an Oak Mortality Task Force in an attempt to half SODS's frightening march across California and into adjoining states.

The Task Force has established a series of objectives leading to the elimination of SODS, but very little can be accomplished without adequate support for ongoing research, monitoring, treatment and education.

In September of last year, I called on the Department of Agriculture, USDA, to provide financial assistance and to create its own task force to work with California's Oak Mortality Task Force. Outgoing Agriculture Secretary Dan Glickman answered the call by releasing $2.1 million in emergency funding and establishing a top-flight task force under the direction of USDA's Animal and Plant Health Inspection Service, APHIS. This was a good first step, but it was just that.

That is why I am introducing today the Sudden Oak Death Syndrome Control Act of 2001. This legislation would authorize over $14 million each year for the next five years in critically needed funding to fight the SODS epidemic. Combined with the efforts of state and local officials, this legislation will help to prevent the dire predictions from becoming a terrible reality.

This bill is endorsed by the California Oak Mortality Task Force, the Marin County Board of Supervisors, the Trust for Public Land, California Releaf, and the International Society of Arboriculturists, Western Chapter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sudden Oak Death Syndrome Control Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;

(3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmittal, and how sudden oak death syndrome can best be treated;

(4) the Phytophthora fungus has been found on—

(A) Rhododendron plants in nurseries in California; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododendron, blueberry, and cranberry industries; and

(6) Oregon and Canada have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.

SEC. 3. RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on both public and private land.

(b) RESEARCH, MONITORING, AND TREATMENT ACTIVITIES.—In carrying out the program under subsection (a), the Secretary may—

(1) conduct open space, roadside, and aerial surveys;

(2) provide monitoring technique workshops;

(3) develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;

(4) maintain a geographic information system database;

(5) conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;

(6) evaluate the susceptibility of oaks and other vulnerable species throughout the United States; and

(7) develop and apply treatments.

SEC. 4. MANAGEMENT, REGULATION, AND FIRE PREVENTION.

(a) IN GENERAL.—The Secretary shall conduct sudden oak death syndrome management, regulation, and fire prevention activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome.

(b) MANAGEMENT, REGULATION, AND FIRE PREVENTION ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) conduct hazard tree assessments;

(2) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, resistant tree breeding, and exotic weed control;

(3) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;

(4) treat vegetation to prevent fire, and assessment of fire risk, in areas heavily infected with sudden oak death syndrome;

(5) conduct national surveys and inspections of—

(A) commercial rhododendron and blueberry nurseries; and

(B) native rhododendron and huckleberry plants;

(6) provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and

(7) provide diagnostic services.

SEC. 5. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden death oak syndrome.

(b) EDUCATION AND OUTREACH ACTIVITIES.—In carrying out subsection (a), the Secretary may—

(1) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers, landscapers, naturists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(2) design and maintain a website to provide information on sudden oak death syndrome; and

(3) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

SEC. 6. SUDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this section as the ''Committee'') to assist the Secretary in carrying out this Act.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall consist of—

(i) 1 representative of the Animal and Plant Health Inspection Service, to be appointed by the Administrator of the Animal and Plant Health Inspection Service;

(ii) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;

(iii) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and

(iv) any individual, to be appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—

(I) has an interest or expertise in sudden oak death syndrome; and

(II) would contribute to the Committee.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 90 days after the enactment of this Act.

(3) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(b) DUTIES.—

(1) IMPLEMENTATION PLAN.—The Committee shall prepare a comprehensive implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(B) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(i) a summary of the activities of the Committee;

(ii) an accounting of funds received and expended by the Committee; and

(iii) findings and recommendations of the Committee.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2002 through 2007—

(1) to carry out section 3, $7,500,000, of which up to $1,500,000 shall be used for treatment;

(2) to carry out section 4, $6,000,000;

(3) to carry out section 5, $500,000; and

(4) to carry out section 6, $250,000.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 998. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my good friend and colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing legislation to improve access to oral health care by strengthening the dental workforce in our Nation's rural and underserved communities.

Oral and general health are inseparable, and good dental care is critical to our overall physical health and well-being. Dental health encompasses far more than cavities and gum disease. The recent U.S. Surgeon General report Oral Health in America states that ''the mouth acts as a mirror of health and disease'' that can help diagnose disorders such as diabetes, leukemia, heart disease, or anemia.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population, particularly among low-income individuals and families. Too many Americans today lack access to dental care. While there are clinically proven techniques to prevent or delay the progression of dental health problems, an estimated 25 million Americans live in areas lacking adequate dental services. As a consequence, these effective treatment and prevention programs are not being implemented in many of our communities. Astoundingly, as many as eleven percent of our Nation's rural population has never been to the dentist.

This situation is exacerbated by the fact that our dental workforce is graying and the overall ratio of dentists to population is declining. In Maine, there currently are 393 active dentists, 241 of whom are 45 or older. More than 20 percent of dentists nationwide will retire in the next ten years and the number of dental graduates by 2015 may not be enough to replace these retirees.

As a consequence, Maine, like many States, is currently facing a serious shortage of dentists, particularly in rural areas. While there is one general practice dentist for every 2,286 people in the Portland area, the numbers drop off dramatically in western and northern Maine. In Aroostook County, where I'm from, there's only one dentist for every 5,507 people. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than ten specialists in pediatric dentistry, and most of these are located in the southern part of the State.

This dental workforce shortage is exacerbated by the fact that Maine currently does not have a dental school or even a dental residency program. Dental schools can provide a critical safety net for the oral health needs of a state, and dental education clinics can provide the surrounding communities with care that otherwise would be unavailable to disadvantaged and underinsured populations. Maine is just one of a number of predominantly rural States that lacks this important component of a dental safety net.

Maine, like many States, is exploring a number of innovative ideas for increasing access to dental care in underserved areas. In an effort to supplement and encourage these efforts, we

are introducing legislation today to establish a new State grant program designed to improve access to oral health services in rural and underserved areas. The legislation authorizes $50 million over five years for grants to States to help them develop innovative dental workforce development programs specific to their individual needs.

States could use these grants to fund a wide variety of programs. For example, they could use the funds for loan forgiveness and repayment programs for dentists practicing in underserved ares. They could also use them to provide grants and low- or no-interest loans to help practitioners to establish or expand practices in these underserved areas. States, like Maine, that do not have a dental school could use the funds to establish a dental residency program. Other States might want to use the grant funding to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics.

To assist in their recruitment and retention efforts, States could also use the funds for placement and support of dental students, residents, and advanced dentistry trainees. Or, they could use the grant funds for continuing dental education, including distance-based education, and practice support through teledentistry.

Other programs that could be funded through the grants include: community-based prevention services such as water fluoridation and dental sealant programs; school programs to encourage children to go into oral health or science professions; the establishment or expansion of a State dental office to coordinate oral health and access issues; and any other activities that are determined to be appropriate by the Secretary of Health and Human Services.

The National Health Service Corps is helping to meet the oral health needs of underserved communities by placing dentists and dental hygienists in some of America's most difficult-to-place inner city, rural, and frontier areas. Unfortunately, however, the number of dentists and dental hygienists with obligations to serve in the National Health Service Corps falls far short of meeting the total identified need. According to the Surgeon General, only about 6 percent of the dental need in America's rural and underserved communities is currently being met by the National Health Service Corps.

In my state, approximately 173,000 Mainers live in designated dental health professional shortage areas. While the National Health Service Corps estimates that it will take 33 dental clinicians to meet this need, it currently has only three serving in my State.

The bill we are introducing today would make some needed improvements in this critically important program so that it can better respond to our nation's oral health needs.

First, it would direct the Secretary of Health and Human Services to develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps scholarship and loan repayment programs.

It would also allow National Health Service Corps scholarship and loan repayment program recipients to fulfill their commitment on a part-time basis. Many small rural communities may not have sufficient populations to support a full-time dentist or dental hygienist. This would give the National Health Service Corps additional flexibility to meet the needs of these communities. Moreover, some practitioners may find part-time service more attractive, which in turn could improve both recruitment and retention in these communities.

Last year, after a six-year hiatus, the National Health Service Corps began a two-year pilot program to award scholarships to dental students. While this is a step in the right direction, these scholarships are only being awarded to students attending certain dental schools, none of which are in New England. Moreover, the pilot project requires the participating dental schools to encourage Corps dental scholars to practice in communities near their educational institutions. As a consequence, this program will do nothing to help relieve the dental shortage in Maine and other areas of New England.

The bill we are introducing today would address this problem by expanding the National Health Service Corps Pilot Scholarship Program so that dental students attending any of the 55 U.S. dental schools can apply and require that placements for these scholars be based strictly on community need.

It would also improve the process for designating dental health professional shortage areas and ensure that the criteria for making such designations provides a more accurate reflection of oral health need, particularly in rural areas.

Mr. President, the Dental Health Improvement Act will make critically important oral health care services more accessible in our Nation's rural and underserved communities, and I urge all of my colleagues to sign on as cosponsors. I also ask unanimous consent that letters endorsing the bill from the American Dental Association and the American Dental Education Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, DC, May 25, 2001.

Hon. SUSAN COLLINS,
Russell Senate Office Building,
Washingtion, DC.

DEAR SENATOR COLLINS: On behalf of the American Dental Association and our 144,000 member dentists, I am delighted to endorse the ''Dental Health Improvement Act,'' which you introduced today. The Association is proud that the oral health of Americans continues to improve, and that Americans have access to the best oral health care in the world.

Having said that, we agree that dental care has not reached every corner of American society to the extent it has reached the majority of Americans. For those Americans who are unable to pay for care, and those with special needs, such as disabled individuals, those with congenital conditions, and non-ambulatory patients, obtaining dental care can be difficult.

Your legislation recognizes several of these problems and goes a long way towards addressing them in a targeted and meaningful way. The section on grant proposals offers states the opportunity to be innovative in their approaches to address specific geographical dental workforce issues. You recognize the need to provide incentives to increase faculty recruitment in accredited dental training institutions, and your support for increasing loan repayment and scholarship programs will provide the appropriate incentives to increase the dental workforce in ''safety net'' organizations.

The ADA is very grateful for your leadership on these issues. Thank you for introducing this legislation. We want to continue to work with you on dental access issues in general and on this legislation as it moves through the Congress.

Sincerely,

ROBERT M. ANDERTON,
President.

AMERICAN DENTAL EDUCATION ASSOCIATION,
Washington, DC, May 23, 2001.

Hon. SUSAN COLLINS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS, I am writing on behalf of the dental education community to commend you for developing and introducing the Dental Health Improvement Act. This legislation, when enacted into law, will expand the availability of oral health care services for the nation's underserved populations, strengthen the dental workforce, as well as maintain the ability of dental schools to produce the necessary manpower to provide oral health care to all Americans.

The American Dental Education Association (ADEA) represents the nation's 55 dental schools, as well as hospital-based dental and advanced dental education programs, allied dental programs and schools, dental research institutions, and the faculty and students at these institutions. ADEA's member schools are dedicated to providing the highest quality education to their students, conducting research and providing oral health care services to Americans from medically unserved and underserved areas, the majority of whom are uninsured or who are from low-income families. Recent downward trends in student enrollment and a growing shortage in dental faculty have caused ADEA serious concern about our ability to fully and competently address these responsibilities.

Therefore, I was delighted to see that the Dental Health Improvement Act directly responds to many of these concerns. If implemented, the Act would expand access to oral health care to thousands of Americans for the first time. When enacted, the provisions of the bill can be instrumental in helping the more than 31 million Americans living in areas that lack access to adequate oral health care services. It can provide much needed help to dental education institutions as we seek to address faculty shortages.

As you know, dental education institutions face a major crisis in the graying of its faculty which threatens the quality of dental education, oral, dental and craniofacial research, and ultimately will adversely impact the health of all Americans. Currently, there are approximately 400 faculty vacancies. Retirements are expected to accelerate in both

private practice as well as teaching faculties in the nation's 55 dental schools. There is a significant decrease in the number of men and women choosing careers in dentistry, teaching and research. Your personal experience in Maine is a perfect example.

Educational debt has increased, affecting both career choices and practice location. Your bill will provide funds to help with recruitment and retention efforts and helps expand dental residency training programs to the 27 states that do not currently have dental schools.

Also important are the incentives you have proposed to expand or establish community-based dental facilities linked with dental education institutions. The need for this is obvious. More than two-thirds of patients visiting dental school clinics are members of families whose annual income is estimated to be $15,000 or below. About half of these patients are on Medicare or Medicaid, while more than a third have no insurance coverage or government assistance program to help them pay for their dental care.

Dental academic institutions are committed to their patient care mission, not only by improving the management and efficiency of patient centered care delivery at the dental school, but through increasing affiliations with and use of satellite clinics. All dental schools maintain at least one dental clinic on-site, and approximately 70% of U.S. dental schools have school sponsored satellite clinics. Delivering patient care in diverse settings demonstrates professional responsibility to the oral health of the public.

Dental schools and other academic dental institutions provide oral health care to underserved and disadvantaged populations. Yet more than 11 percent of the nation's rural population has never been to see a dentist. This bill can have a positive impact on the population by establishing access to oral health care at community based dental facilities and consolidated health center that are linked to dental schools. 100 million Americans presently do not have access to fluoridated water. The bill provides for community-based prevention services such as fluoride and sealants that can cause a dramatic change for nearly a third of the nations's population.

Thank you again for taking such a leadership role in the area of oral health. Please be assured that ADEA looks forward to working closely with you to bring the far-reaching potential of the Dental Health improvement Act to fruition.

Sincerely,

RICHARD W. VALACHOVIC,
Executive Director.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 999. A bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War; to the Committee on Armed Services.

Mr. BINGAMAN. Mr. President, I rise today with my esteemed colleague, Senator PAT ROBERTS of Kansas, to introduce a bill that would award the Korean Defense Service Medal to all members of the Armed Forces who participated in operations in Korea after the end of the Korean War. Fifty years ago, American men and women were fighting a very tough war in Korea. We commemorate their heroism in many ways half a century later, and pause at the beautiful memorial to those who served in that conflict located here in Washington. That war and those heroes, however, are only the first part of the story. The rest of the story is about the more than 40,000 members of the United States armed forces who have served in Korea since the signing of the cease-fire agreement in July 1953.

Technically speaking, North and South Korea remain at war to this day, and during the intervening cease fire, the uncertain ''peace'' has been challenged many many times. According to statistics I have read, the North Koreans have breached the cease-fire agreement more than 40,000 times since 1954 using virtually every method of limited attacks you could think of. Some 1,239 U.S. service personnel have been killed in Korea during the past 47 years; 87 have been captured, held prisoner, and in many cases, tortured.

During the past five decades, our service men and women in Korea have performed their duties in a virtual tinderbox waiting for a match. There is no question about the danger of their assignment. Some 70 percent of North Korea's active military force, including about 700,000 troops, more than 8,000 artillery systems, and 2000 tanks are within 90 miles of the Demilitarized Zone, DMZ. Military experts estimate that a massive North Korean attack could overrun South Korea's capital at Seoul in a matter of hours or days. A potential frontal assault by North Korean troops would have the backing of more than 500 short range ballistic missiles capable of delivering weapons of mass destruction in addition to conventional warheads.

It is amazing to me to have discovered that despite all of these facts, the Department of Defense has not awarded service awards to those who served in Korea during the Cold War. It should be noted that there have been more casualties in Korea since 1954 that in Sinai, Grenada, Somalia, Haiti, Bosnia, Kosovo, Iraq, and Kuwait, and yet service awards have been presented to participants in each of those operations, but not to those who have served in Korea. General Thomas Schwartz, current Commander-in-Chief of U.S. Forces Korea has recognized this injustice and supports the award I am proposing today.

Representative ELTON GALLEGLY from California introduced this bill in the House recently, and I am honored to do so here in the Senate. I urge my colleagues to join with me to attain swift passage of this measure which is a long overdue expression of recognition and gratitude to the thousands of American men and women in uniform who have put their lives literally on the front line for peace and freedom.

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, Mr. KERRY, and Mr. CORZINE).

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Child Care Quality Incentive Act of 2001, which seeks to provide incentive grants to improve the quality of child care in this country.

The child care system in this country is in crisis; the need for affordable and accessible high quality child care far exceeds the supply.

As long as an estimated 14 million children under age six, including six million infants and toddlers, spend some part of every day in child care, the availability of quality programs and settings will continue to be a serious issue facing this Nation.

With full-day child care costing as much as $4,000 to $10,000 per year, per child, and with Federal assistance severely limited, many working families cannot afford quality child care. For low-income families with young children, the cost of child care can consume anywhere from 25 to 45 percent of their monthly income.

And the demand for all types of child care is likely to increase, as maternal employment continues to rise, as well as the need to meet the requirements of welfare reform. At the same time the need for care is growing, we must focus on the quality of care provided for our children.

Many studies, including research findings from the National Institute for Child Health and Development, show that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, an increased likelihood of long-term school success, and consequently, a greater likelihood of long-term and social self-sufficiency.

High quality child care not only prepares children for school, it helps them succeed in life. We must therefore be more diligent in our efforts to improve the quality of child care in this country.

Quality of care means providing a safe, healthy environment for our children; well-trained providers; good staff-to-child ratios so staff can interact with the children in a developmental setting; low staff turnover that fosters a sense of security for the children; and age-appropriate activities that enhance learning.

When we look at the quality of our current system, the findings are appalling. A study of Federal, nonprofit, for-profit, and in-home child care settings conducted by the U.S. Consumer Product Safety Commission found that two-thirds of these child care settings had at least one major safety hazard. The study documented at least 56 deaths among children in child care settings since 1990, and reported that in 1997, 31,000 children ages four and younger received emergency room treatment for injuries in child care centers or schools.

Another study in four States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that actually threatens the safety and health of children.

The results of a very recent study conducted by the Center for the Child Care Workforce are also startling. It finds that the child care industry is losing well-educated teaching staff and administrators at an alarming rate and hiring replacement teachers with less training and education.

This study, conducted over a six-year period from 1994 to 2000, found that 76 percent of the teaching staff employed in the centers surveyed in 1996, and 82 percent of those working in the centers in 1994 were no longer on the job in 2000. And of those teaching staff who left, nearly half had completed a bachelor's degree, compared to only one-third of the new teachers who replaced them.

Furthermore, the study found that director turnover rates were exceedingly high, contributing to staff instability. Teaching staff and directors reported that high turnover among their colleagues negatively affected their ability to do their jobs.

We frequently hear of the critical shortage of qualified elementary and secondary school teachers. In contrast, the staffing crisis in early care barely registers in the public awareness, but is equally important and worthy of our attention.

The inability of many child care centers to offer competitive salaries is a serious obstacle to attracting and retaining qualified staff. Despite recognition that higher wages contribute to greater staff stability, compensation for the majority of teaching positions has not kept pace with the cost of living over the last six years.

Wages, when adjusted for inflation, have actually decreased six percent for day care teaching staff, and K–12 teachers earn up to twice as much as child care providers with equivalent education and experience. At present, there is little economic incentive to begin or continue a career in child care.

Researchers have consistently found that the cornerstone of quality child care is the presence of sensitive, consistent, well-trained and well-compensated caregivers. Yet many centers are unable to provide children with even this most essential component of early care.

This high rate of safety hazards and unstable workforce results significantly from low payment or reimbursement rates for the provision of child care. Prior to October 1996, states were required to make payments to (or subsidize) child care providers based on the 75th percentile of the market rate, or the level at which parents can afford 75 out of 100 local providers.

However, with the passage of welfare reform legislation, this requirement, which had not been effectively enforced in the first place, completely vanished. Currently, federal Child Care Development Fund regulations require states to conduct market rate surveys every other year, but there is no requirement for States to actually use the market rate surveys to set payment rates.

Indeed, according to a February 1998 report by the Department of Health and Human Services, 29 out of the 50 States and the District of Columbia did not make payment rates that were based on the 75th percentile of the current market rate, often asserting that budget constraints prevented them from doing so.

Furthermore, a January 1998 General Accounting Office report noted that while states conduct biennial market surveys, some set reimbursement rates based on older surveys. And when States set reimbursement rates significantly lower than actual costs, child care choices for families become severely limited.

When States set low rates or fail to update rates, they force working families into a difficult dilemma, they must either place their children into lower cost, lower quality child care programs that will accept the State subsidy or come up with extra dollars to supplement the State subsidy and buy better quality child care.

The Children's Defense Fund, in a March 1998 report entitled, ''Locked Doors: States Struggling to Meet the Child Care Needs of Low-Income Working Families,'' noted that when rates are set below the market rate, child care providers are forced to cut corners ''in ways that lower the quality of care for children.''

And when rates fall below the real cost of providing care, child care providers who do not choose to reduce staff or lower salaries and benefits, allow physical conditions to deteriorate, forgo educational book, toy, and equipment purchases, may simply not accept children with subsidies, or may go out of business. These dilemmas can be avoided if we help States set payment rates that keep up with the market.

Recently, Rhode Island and many other States celebrated the sixth annual national Provider Appreciation Day, which presented us with an opportunity to honor one of the most underrecognized and under-compensated professions. I am therefore pleased to be joined by Senator CHRIS DODD, a leader in improving child care, along with Senators KENNEDY, MURRAY, KERRY, and CORZINE in introducing the Child Care Quality Incentive Act, which seeks to redouble our child care efforts and renew the child care partnership with the states by providing incentive funding for States to increase payment rates.

Our legislation establishes a new, mandatory pool of funding under the Child Care and Development Block Grant, CCDBG. This new funding, coupled with mandatory, current market rate surveys, will form the foundation for significant increases in state payment rates for the provision of quality child care.

Increasing payment rates for the provision of child care is the key to quality. Better payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, maintain a safe and healthy environment, and purchase age-appropriate educational materials.

At the same time, increased payment rates expand the number of choices parents have in finding quality child care, as providers are able to accept children whose parents had previously been unable to afford the cost of care.

While there is currently money available through the CCDBG that may be spent for quality initiatives, most states opt to expand availability of care rather than focus on quality. This bill allows funding to be used only for quality initiatives.

We have received overwhelming support for this bill from the child care community, including endorsements from USA Child Care, the Children's Defense Fund, Catholic Charities of USA, YMCA of USA, the National Child Care Association, and a host of organizations and agencies across the country.

Children are the hope of America, and they need the best of America. We cannot ask working families to choose between paying the rent, buying food, and being able to afford the quality care their children need. We've made a lot of progress in improving the health, safety, and well-being of children in this country. But as we approach the 21st century, we need to do more. If we are serious about putting parents to work and protecting children, we must invest more in child care help for families.

Our youngest and most vulnerable citizens, our children, deserve better from us. I urge my colleagues to join Senators DODD, KENNEDY, MURRAY, KERRY, CORZINE, and me in this endeavor to improve the quality of child care by cosponsoring the Child Care Quality Incentive Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Care Quality Incentive Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Recent research on early brain development reveals that much of a child's growth is determined by early learning and nurturing care. Research also shows that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, increased likelihood of long-term school success, and greater

likelihood of long-term economic and social self-sufficiency.

(2) Each day an estimated 13,000,000 children, including 6,000,000 infants and toddlers, spend some part of their day in child care. However, a study in 4 States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that threatens the safety and health of children.

(3) Full-day child care can cost $4,000 to $10,000 per year.

(4) Although Federal assistance is available for child care, funding is severely limited. Even with Federal subsidies, many families cannot afford child care. For families with young children and a monthly income under $1,200, the cost of child care typically consumes 25 percent of their income.

(5) Payment (or reimbursement) rates, which determine the maximum the State will reimburse a child care provider for the care of a child who receives a subsidy, are too low to ensure that quality care is accessible to all families.

(6) Low payment rates directly affect the kind of care children get and whether families can find quality child care in their communities. In many instances, low payment rates force child care providers to cut corners in ways that lower the quality of care for children, including reducing number of staff, eliminating staff training opportunities, and cutting enriching educational activities and services.

(7) Children in low quality child care are more likely to have delayed reading and language skills, and display more aggression toward other children and adults.

(8) Increased payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, provide salary increases and professional training, maintain a safe and healthy environment, and purchase basic supplies and developmentally appropriate educational materials.

(b) PURPOSE.—The purpose of this Act is to improve the quality of, and access to, child care by increasing child care payment rates.

SEC. 3. INCENTIVE GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

(a) FUNDING.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking ''There'' and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There'';

(2) in subsection (a), by inserting ''(other than section 658H)'' after ''this subchapter''; and

(3) by adding at the end the following:

''(b) APPROPRIATION OF FUNDS FOR GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—Out of any funds in the Treasury that are not otherwise appropriated, there are authorized to be appropriated and there are appropriated, $500,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year, for the purpose of making grants under section 658H.''.

(b) USE OF BLOCK GRANT FUNDS.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (B), by striking ''under this subchapter'' and inserting ''from funds appropriated under section 658B(a)''; and

(2) in subparagraph (D), by inserting ''(other than section 658H)'' after ''under this subchapter''.

(c) ESTABLISHMENT OF PROGRAM.—Section 658G(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(a)) is amended by inserting ''(other than section 658H)'' after ''this subchapter''.

(d) GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

''SEC. 658H. GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall use the amount appropriated under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

''(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

''(b) ELIGIBLE STATES.—

''(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

''(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

''(B) submits an application in accordance with paragraph (2).

''(2) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

''(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

''(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

''(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i); and

''(iii) describe how the State will increase payment rates in accordance with the market survey results.

''(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

''(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

''(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 25 percent of such costs.

''(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

''(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount appropriated under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

''(d) USE OF FUNDS.—

''(1) PRIORITY USE.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 100th percentile of the market rate survey described in subsection (b)(1)(A).

''(2) ADDITIONAL USES.—An eligible State that demonstrates to the Secretary that the State has achieved a payment rate of the 100th percentile of the market rate survey described in subsection (b)(1)(A) may use funds received under a grant made under this section for any other activity that the State demonstrates to the Secretary will enhance the quality of child care services provided in the State.

''(3) SUPPLEMENT NOT SUPPLANT.—Amounts paid to a State under this section shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this subchapter or any other provision of law.

''(e) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

''(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

''(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.''.

(e) PAYMENTS.—Section 658J(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h(a)) is amended by inserting ''from funds appropriated under section 658B(a)'' after ''section 658O''.

(f) ALLOTMENT.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''this subchapter'' and inserting ''section 658B(a)''; and

(B) in paragraph (2), by striking ''section 658B'' and inserting ''section 658B(a)'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by inserting ''each subsection of'' before ''section 658B''; and

(3) in subsection (e)—

(A) in paragraph (1), by striking ''the allotment under subsection (b)'' and inserting ''an allotment made under subsection (b)''; and

(B) in paragraph (3), by inserting ''corresponding'' before ''allotment''.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. MURKOWSKI, Mr. BREAUX, Mr. HUTCHINSON, Mr. MILLER, Mr. CRAIG, Ms. LANDRIEU, Mr. SMITH of Oregon, and Ms. COLLINS):

S. 1002. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Reforestation Tax Credit Incentives Act of 2001, and I am pleased to be joined by Senators LINCOLN, MURKOWSKI, BREAUX, HUTCHINSON, MILLER, CRAIG, LANDRIEU, GORDON SMITH, and COLLINS.

The U.S. forest products industry is essential to the health of the U.S. economy. It employs approximately 1.5 million people, supports an annual payroll of $40.8 billion, and ranks among the top ten manufacturing employers in 46 States. This includes the State of Maine where 89.2 percent of the land is forested. Without fair tax laws, future

growth in the industry will occur overseas and more and more landowners will be forced to sell their land for some other higher economic value such as development. The loss of a healthy and strong forest products industry will have a long-term negative impact on both the economy and the environment.

The legislation I am introducing today partially restores the balance between corporate and private landowners in terms of capital gains tax treatment, reducing the capital gains paid on timber for individuals and corporations. The bill is also intended to encourage the reforestation of timberland, whether it has been harvested or previously cleared for other uses, such as agriculture.

Trees take a long time to grow, anywhere from 15 years to, more typically in Maine, 40 to 50 years. During these years, the grower faces huge risks from fire, pests, weather and inflation, all of which are uninsurable. This legislation helps to mitigate these risks by providing a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held.

The bill would change the way that capital gains are calculated for timber by taking the amount of the gain and subtracting three percent for each year the timber was held. The reduction would be capped at 50 percent bringing the effective capital gains tax rate to 10 percent for non-corporate holdings and 17.5 percent for corporations.

Since 1944, the tax code has treated timber as a capital asset, making it eligible for the capital gains tax rate rather than the ordinary income tax rate. This recognized the long-term risk and inflationary gain in timber. In 1986, the capital gains tax was repealed for all taxpayers. The 1997 tax bill reinstituted the lower capital gains rate for individuals, but not for businesses. As a result, individuals face a maximum capital gains rate of 20 percent, while businesses face a maximum rate of 35 percent for the identical asset.

As this difference in rates implies, private timberland owners receive far more favorable capital gains tax treatment than corporate owners. In addition, pension funds and other tax-exempt entities are also investing in timberland, which only further highlights the disparity that companies face.

Secondly, reforestation expenses are currently taxed at a higher rate in the U.S. than in any other major competitor country. The U.S. domestic forest products industry is already struggling to survive intense competition from the Southern Hemisphere where labor and fiber costs are extremely low, and recent investments from wealthier nations who have built state of the art pulp and papermaking facilities. While there is little Congress can do to change labor and fiber costs, Congress does have the ability to level the playing field when it comes to taxation.

This legislation encourages both individuals and companies to engage in increased reforestation by allowing all growers of timber to receive a tax credit. The legislation removes the current dollar limitation of the $10,000 amount of reforestation expenses that are eligible for the ten percent tax credit and that are allowed to be deducted, and decreases from 7 to 5 years the amortization period over which these expenses can be deducted.

Eligible reforestation expenses would be the initial expenses to establish a new stand of trees, such as site preparation, the cost of the seedlings, the labor costs required to plant the seedlings and to care for the trees in the first few years, as well as the cost of equipment used in reforestation.

The planting of trees should be encouraged rather than discouraged by our tax system as trees provide a tremendous benefit to the environment, preventing soil erosion, cleansing streams and waterways, providing habitat for numerous species, and absorbing carbon dioxide from the atmosphere, the major greenhouse gas causing climate change according to the majority of renowned international scientists.

Tax incentives for planting on private lands will also decrease pressure to obtain timber from ecologically sensitive public lands, allowing these public lands to be protected.

I ask my colleagues for their support for private landowners and for the U.S. forest products industry that is so important to the health of our economy.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1003. A bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1004. A bill to provide for the construction and renovation of child care facilities; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JEFFORDS. Mr. President, there is a great need to improve child care in this country. America lags far behind all other industrialized nations in caring for and educating our pre-school aged children. We have the opportunity to make improvements, and we need to act now. I rise today, to introduce two small, but vitally important child care bills: the Child Care Construction and Renovation Act and the Federal Employees Child Care Act.

The Child Care Construction and Renovation Act is as much a small business assistance bill as it is a child care bill. Child care providers are small business owners. Almost every child care provider that I have talked with over the past few years wants the opportunity to expand their services, increase their skills, and improve their facilities. But the child care business is a financially unstable endeavor. Child care centers and home-based providers are finding it increasingly difficult to recruit and retain staff, to buy the supplies and equipment that will promote healthy child development, and even to keep their doors open.

The Shelburne Children's Center in Vermont closed a couple of years ago because it could not afford to stay open. Nearly forty percent of all family-based child care and ten percent of the center-based care close each year. Parents can only pay what they can afford, and far too often that is barely enough to keep a child care provider in business.

This legislation also creates financing mechanisms to support the renovation and construction of child care facilities. First, it amends the National Housing Act to provide mortgage insurance on new and rehabilitated child care facilities. It creates a revolving fund to help with the purchase or refinancing of existing child care facilities. Second, it provides funds for local, non-profit community development organizations to provide technical assistance and small grants to child care providers to help them improve and expand their center- or home-based child care facilities.

Without some government help, child care providers cannot expand their services to provide care for many families seeking affordable, quality care for their children. They cannot upgrade their equipment or make improvements to better ensure the safety of children in their care. Just as the government provides funds and services to encourage the building and renovation of low-income housing, child care, with its low-profit potential needs a similar helping hand.

The second bill which I am introducing today is the Federal Employees Child Care Act. The Federal Government is the largest American provider or employer-sponsored, on-site child care. Congress has acted affirmatively with an extensive commitment to on-site child care for its employees. The General Services Administration, (GSA), has developed considerable expertise in helping agencies start and maintain quality child care services for the children of Federal employees.

However, there are some problems which we, as an employer, need to address. As you know, federal property is exempt from state and local laws, regulations, and oversight. What this means for child care centers located on that property is that state and local health and safety standards do not and cannot apply. This might not be a problem if federally-owned or leased child care centers met enforceable health and safety standards. I think most parents who place their children in federal child care would assume that this would be the case. However, I think Federal employees will find it very surprising to learn, as I did, that, at many centers, no such health and safety apply.

I find this very troubling, and I think we sell our Federal employees a bill of

goods when federally-owed leased child care cannot guarantee that their children are in safe facilities. The Federal Government should set the example when it comes to providing safe child care. It should not turn an apathetic shoulder from meeting such standards simply because state and local regulations do not apply to them.

In 1987, Congress passed the ''Trible amendment'' which permitted executive, legislative, and judicial branch agencies to utilize a portion of federally-owned or leased space for the provision of child care services for federal employees. The General Services Administration, (GSA), was given the authority to provide guidance, assistance, and oversight to Federal agencies for the development of child care centers. In the decade since the Trible amendment was passed, hundreds of Federal facilities throughout the nation have established on-site child care centers which are a tremendous help to our employees.

The General Services Administration has done an excellent job of helping agencies develop child care centers and have adopted strong standards for those centers located in GSA leased or owned space. However, there are over 100 child care centers located in Federal facilities that are not subject to the GSA standards or any other laws, rules, or regulations to ensure that the facilities are safe places for our children. Most parents, placing their children in a federal child care center, assume that some standards are in place, assume that the centers must minimally meet state and local child care licensing rules and regulations. They assume that the centers are subject to independent oversight and monitoring to continually ensure the safety of the premises.

Yet, that is not the case. In a case where a Federal employee had strong reason to suspect the sexual abuse of her child by an employee of a child care center located in a Federal facility, local child protective services and law enforcement personnel were denied access to the premises and were prohibited from investigating the incident. Another employee's child was repeatedly injured because the child care providers under contract with a Federal agency to provide on-site child care services failed to ensure that age-appropriate health and safety measures were taken, current law says they were not required to do so, even after the problems were identified and injuries had occurred.

It is time to get our own house in order. We must safeguard and protect the children receiving services in child care centers housed in Federal facilities. Our employees should not be denied some assurance that the centers in which they place their children are accountable for meeting basic health and safety standards.

The Federal Employees Child Care Act will require all child care services located in Federal facilities to meet, at the very least, the same level of health and safety standards required of other child care centers in the same geographical area. That sounds like common sense, but as we all know too well, common sense is not always reflected in the law. This bill will make that clear.

Further, this legislation demands that Federal child care centers begin working to meet these standards now. Not next year, not in two years, but now. Under this bill, after six months we will look at the Federal child care centers again, and if a center is not meeting minimal state and local health and safety regulations at that time, that child care facility will be closed until it does. I can think of no stronger incentive to get centers to comply.

The legislation makes it clear that State and local standards should be a floor for basic health and safety, and not a ceiling. The role of the Federal Government, and, I like to think, of the United States Congress in particular—is to constantly strive to do better and to lead by example. Federal facilities should always try to meet the highest possible standards. In fact, the GSA has required national accreditation in GSA-owned and leased facilities, and has stated that almost all of its centers are either in compliance or are strenuously working to get there. This is the kind of tough standard we should strive for in all of our Federal child care facilities.

Federal child care should mean something more than simply location on a Federal facility. The Federal Government has an obligation to provide safe care for its employees, and it has a responsibility for making sure that those standards are monitored and enforced. Some Federal employees receive this guarantee. Many do not. We can do better.

I urge swift passage of these important child care bills and hope that my colleagues on both sides of the aisle will join me in this effort.

By Mr. JEFFORDS (for himself, Mr. STEVENS, Mr. KENNEDY, Mr. CLELAND, and Mr. DODD):

S. 1005. A bill to provide assistance to mobilize and support United States communities in carrying out community-based youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JEFFORDS. Mr. President, today I join with Senators STEVENS, KENNEDY, CLELAND, and DODD to introduce the Younger American's Act. We launched this effort at the end of the last Congress, with the help of General Colin Powell. This legislation embraces the belief that youth are our Nation's most important responsibility and that their needs must be moved to a higher priority on our Nation's agenda.

It is not enough that government responds to youth when they get into trouble with drugs, teen pregnancy, and violence. We need to strengthen the positive rather than simply respond to the negative. Positive youth development, the framework for the Younger American's Act, is not just about preventing bad things from happening, but giving a nudge to help good things happen. And we know that it works.

Evaluations of Big Brothers/Big Sisters, Boys and Girls Clubs, mentoring, and other youth development programs have consistently demonstrated how well these programs work. These programs lead to significant increases in parental involvement, youth participation in constructive education, social and recreation activities, enrollment in post-secondary education, and community involvement. Just as important, youth actively participating in youth development programs show decreased rates of school failure and absenteeism, teen pregnancy, delinquency, substance abuse, and violent behavior.

We also know that risk taking behavior increases with age. One-third of the high school juniors and seniors participate in two or more health risk behaviors. That is why it is important to build a youth development infrastructure that engages youth as they enter pre-adolescence and keeps them engaged throughout their teen years. The Younger American's Act is targeted to youth aged 10 to 19. This encompasses both the critical middle-school years, as well as the increasingly risky high school years.

The Younger American's Act is about creating a national policy on youth. Up until now, government has responded to kids after they have gotten into trouble. We must take a new tack. Instead of just treating problems, we have to promote healthy development. We have to remember that just because a kid stays out of trouble, it doesn't mean that he or she is ready to handle the responsibilities of adulthood. Kids want direction, they want close bonds with parents and other adult mentors. And I believe we owe them that. Ideally, this comes from strong families, but communities and government can help.

In order to keep kids engaged in positive activities, youth must be viewed as resources; as active participants in finding solutions to their own problems. Parents also must be part of those solutions. This legislation requires that youth and parents be part of the decision-making process.

The United States does not have a cohesive federal policy on youth. Creating an Office on National Youth Policy within the White House not only raises the priority of youth on the Federal agenda, but provides an opportunity to more effectively coordinate existing Federal youth programs to increase their impact on the lives of

young Americans. The efforts of the Office of National Youth Policy in advocating for the needs of youth, and the Department of Health and Human Services in implementing the Younger American's Act will be helped by the Council on National Youth Policy. This Council, comprised of youth, parents, experts in youth development, and representatives from the business community, will help ensure that this initiative continually responds to the changing needs of youth and their communities. It will bring a ''real world'' perspective to the Federal efforts.

The Younger American's Act provides communities with the funding necessary to adequately ensure that youth have access to five core resources: ongoing relationships with caring adults; safe places with structured activities in which to grow and learn; services that promote healthy lifestyles, including those designed to improve physical and mental health; opportunities to acquire marketable skills and competencies; and opportunities for community service and civic participation.

Block grant funds will be used to expand existing resources, create new ones where none existed before, overcome barriers to accessing those resources, and fill gaps to create a cohesive network for youth. The funds will be funneled through States, based on an allocation formula that equally weighs population and poverty measures, to communities where the primary decisions regarding the use of the funds will take place. Thirty percent of the local funds are set aside to address the needs of youth who are particularly vulnerable, such as those who are in out-of-home placements, abused or neglected, living in high poverty areas, or living in rural areas where there are usually fewer resources. Dividing the State into regions, or ''planning and mobilization areas,'' ensures that funds will be equitably distributed throughout a State. Empowering community boards, comprised of youth, parents, and other members of the community, to supervise decisions regarding the use of the block grant funds ensures that the programs, services, and activities supported by the Act will be responsive to local needs.

Accountability is integral to any effective Federal program. The Younger American's Act provides the Department of Health and Human Services with the responsibility and funding to conduct research and evaluate the effectiveness of funded initiatives. States and the Department are charged with monitoring the use of funds by grantees, and empowered to withhold or reduce funds if problems arise.

The Younger American's Act will help kids gain the skills and experience they need to successfully navigate the rough waters of adolescence. My twenty-first century community learning centers initiative supports the efforts of schools to operate after school programs that emphasize academic enrichment. It's time to get the rest of the community involved. It's time to give the same level of support to the thousands of youth development and youth-serving organizations that struggle to keep their doors open every day.

I remember a young man, Brad Luck, who testified before the H.E.L.P. Committee several years ago. As a 14-year-old, Brad embarked on a two-year mission to open a teen center in his home town of Essex Junction, Vermont. He formed a student board of directors, sought 501(c)(3) status and gave over 25 community presentations to convince the town to back the program. Demonstrating the tenacity of youth, he then spear-headed a successful drive to raise $30,000 in 30 days to fund the start-up of the center. Today, the center is thriving in its town-donated space. This is an example of the type of community asset building supported by the Younger American's Act.

The Younger American's Act is about an investment in our youth, our communities, and our future. I want to thank America's Promise, the United Way, and the National Collaboration for Youth for their work in providing the original framework for the legislation. I am proud and excited to be part of this important initiative.

Mr. KENNEDY. Mr. President, I commend Senator JEFFORDS for his leadership on this important legislation and it is a privilege to join him as a cosponsor on this legislation. I also commend the thirty-four youth organizations that comprise the National Collaboration for Youth and the more than 200 young people who have worked on this bill. They have been skillful and tireless in their efforts to focus on the need for a positive national strategy for youth.

Our goal in introducing the The Younger Americans Act is to establish a national policy for youth which focuses on young people, not as problems, but as problem solvers. The Younger Americans Act is intended to create a local and nation-wide collaborative movement to provide programs that offer greater support for youth in the years of adolescence. This bill, modeled on the very successful Older Americans Act of 1965, will help youths between the ages of 10 and 19. It will provide assistance to communities for youths development programs that assure that all youth have access to the skills and character development needed to become good citizens.

In other successful bipartisan measures over the years, such as Head Start, child care, and the 21st century learning communities, we have created a support system for parents of preschool and younger school-age children. These programs reduce the risk that children will grow up to become juvenile delinquents by giving them a healthy and safe start. It's time to do the same thing for adolescents.

Americans overwhelmingly believe that government should invest in initiatives like this. Many studies detail the effectiveness of youth development programs. Beginning with the Carnegie Corporation Report in 1992, ''A Matter of Time—Risk and Opportunity in the Nonschool Hours,'' a series of studies have shown repeatedly that youth development programs at the community level produce powerful and positive results.

In his report this last March, ''Community Counts: How Youth Organizations Matter for Youth Development,'' Milbrey McLaughlin, professor of education at Stanford University, calls for communities to rethink how they design and deliver services for youths, particularly during non-school hours. The report confirms that community involvement is essential in creating and supporting effective programs that meet the needs of today's youth.

Effective community-based youth development programs build on five core resources that all youths need to be successful. These same core resources are the basis for the Younger Americans Act. Youths need ongoing relationships with caring adults, safe places with structured activities, access to services that promote healthy lifestyles, opportunities to acquire marketable skills, and opportunities for community service and community participation.

The Younger Americans Act will establish a way for communities to give thought and planning on the issues at the local level, and to involve both youths and parents in the process. The Act will provide $5.75 billion over the next five years for communities to conduct youth development programs that recognize the primary role of the family, promote the involvement of youth, coordinate services in the community, and eliminate barriers which prevent youth from obtaining the guidance and support they need to become successful adults. The Act also creates an Office on National Youth Policy and a Council on National Youth Policy which includes youth and ensures their participation in finding solutions to their own problems.

Too often, the focus on youth has emphasized their problems, not their successes and their potential. This emphasis has sent a negative message to youth that needs to be reversed. We need to deal with negative behaviors, but we also need a broader strategy that provides a positive approach to youth. The Younger Americans Act will accomplish this goal in three ways, by focusing national attention on the strengths and contributions of youths, by providing funds to develop positive and cooperative youth development programs at the state and community levels, and by promoting the involvement of parents and youths in developing positive programs that strengthen families.

The time of adolescence is a complex transitional period of growth and change. We know what works. The challenge we face is to provide the resources to implement positive and

practical programs effectively without creating duplicate programs. It is important that we tie together all publicly funded existing youth development programs and build on their success. This bill complements other existing programs, like the Work Force Investment Program, in helping young people become productive members of society. Investing in youth in ways like that will pay enormous dividends for communities and our country. I urge all Members of Congress to join in supporting this important legislation.

Mr. CLELAND. Mr. President, I am very pleased to once again join Senator JEFFORDS as a cosponsor of the Younger Americans Act. The Senator from Vermont has done yeoman's work on this legislation, which seeks to offer the same kind of comprehensive and coordinated support to America's young people that the landmark 1965 Older Americans Act provides to our nation's seniors. By creating an Office of National Youth Policy in the White House, by authorizing over $5 billion over the next five years to help local community organizations provide needed services and supports to their youth, the Younger Americans Act forges a national youth policy which prioritizes the needs of our young people and helps to provide them with the critical resources they need to achieve their full potential and become contributing members of their communities.

The recently released 2001 KIDS COUNT Data Book, a State-by-State report on the conditions facing America's children, found that the well-being of our youth improved over the past decade on seven of ten key KIDS COUNT measures. The national rate of teen deaths by accident, homicide and suicide fell by a substantial 24 percent. The number of teens ages 16–19 who dropped out of high school declined from 10 percent in 1990 to 9 percent in 1998. And there has been a steady decline in the rate of teenage births, which fell by a significant 19 percent between 1990 and 1998.

On the other hand, the 2001 KIDS COUNT Data Book also reports that more than 16 million children have parents who, despite being employed full time, struggle from paycheck to paycheck. In addition, the report finds that the number of single parent households in this country is on the rise. In 1998, 27 percent of families with children were headed by a single parent, up from 24 percent in 1990—and every State but three experienced an increase.

According to the 2000 Census, there was a 14 percent increase in the number of children in America in the last decade—the largest increase in the number of children living in this country since the decade of the 1950s. This significant increase in the under-18 population will undoubtedly mean new challenges and new demands on ''our already struggling public education, child care, and family support systems,'' as Douglas Nelson, president of the Annie E. Casey Foundation which publishes the KIDS COUNT report, points out. The Younger Americans Act will help this nation meet these new demands by providing a framework which fosters the positive development of all our nation's youth. This is a strategy in marked contrast to previous government policies which respond to youngsters only after they have gotten into trouble. It is a significant fact that more than 200 young people took part in drafting the original legislation. As some of my colleagues have pointed out, these youngsters were telling us that it is time to redirect our focus on what is right with our young people, not what is wrong.

The Younger Americans Act will support community-based efforts that provide young people access to five core resources: ongoing relationships with caring adults; safe places with structured activities; services that promote healthy lifestyles; opportunities to acquire marketable skills; and opportunities for community service and civic participation. Such a positive support system ideally comes from strong families, but communities and government can play a part. The successful Head Start and 21st Century Community Leaning Centers programs have provided support systems for parents of America's younger children. The Younger Americans Act will provide support structure for our adolescents during the vulnerable years between ages 10 and 19. It stresses the pivotal role of the family and emphasizes the critical importance of parental involvement.

James Agee once said: ''As in every child who is born, under no matter what circumstances and of no matter what parents, the potentiality of the human race is born again.'' The Younger Americans Act recognizes and affirms that an investment in our children is an investment in America's future.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE INTERNATIONAL OLYMPIC COMMITTEE FOR ITS WORK TO BRING ABOUT UNDERSTANDING OF INDIVIDUALS AND DIFFERENT CULTURES, FOR ITS FOCUS ON PROTECTING THE CIVIL RIGHTS OF ITS PARTICIPANTS, FOR ITS RULES OF INTOLERANCE AGAINST DISCRIMINATORY ACTS, AND FOR ITS GOAL OF PROMOTING WORLD PEACE THROUGH SPORTS

Mrs. MURRAY (for herself, Mr. STEVENS, Mrs. FEINSTEIN, and Mr. BREAUX) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 47

Whereas the United States has been actively engaged as a member of the International Olympic Committee (in this resolution referred to as the ''IOC''), which was formed in 1894 to implement the goals of modern Olympism;

Whereas the Olympic Charter for the IOC contains fundamental principles of modern Olympism, including—

(1) ''Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles'';

(2) ''The goal of Olympism is to place everywhere sport at the service of the harmonious development of man, with a view to encouraging the establishment of a peaceful society concerned with the preservation of human dignity.'';

(3) ''The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practised without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play''; and

(4) ''The activity of the Olympic movement . . . reaches its peak with the bringing together of athletes of the world at the great sports festival, the Olympic Games'';

Whereas the IOC has adopted a Code of Ethics that recognizes the dignity of the individual as one of its primary guarantees;

Whereas to safeguard the dignity of participants, the IOC's rules require nondiscrimination on ''the basis of race, sex ethnic origin, religion, philosophical or political opinion, marital status or other grounds'';

Whereas the IOC's Code of Ethics specifically prohibits any ''practice constituting any form of physical or mental injury'' and ''all forms of harassment against participants, be it physical, mental, professional or sexual'';

Whereas an integral part of the IOC's Olympic Charter, Code of Ethics, and rules requires the following of strict guidelines in selecting a host city for an Olympic Games;

Whereas included in the IOC's rules are comprehensive and precise selection criteria and methods by which to assess a candidate's application;

Whereas the IOC's Evaluations Commission evaluates and compares, among the candidates, 11 different areas of site analysis, including government support and public opinion, critical infrastructure availability, finance, security, and experience;

Whereas the IOC has made environmental conservation the third pillar of Olympism, with the other pillars being sport and culture;

Whereas the IOC requires host cities to conduct an environmental impact statement, consult with environmental organizations, and implement an environmental action plan for the Olympic Games;

Whereas a primary goal of the IOC is world peace and understanding, and, in pursuit of the goal, the IOC strives to maintain a separation of sports from international politics;

Whereas the IOC's Olympic Charter, Code of Ethics, and rules consistently address the IOC's quest to separate politics and sports;

Whereas Rule 9 of the IOC's Olympic Charter states that ''the Olympic Games are competitions between athletes in individual or team events and not between countries'';

Whereas new members of the IOC take an oath upon membership that avers in part ''to comply with the Code of Ethics, to keep myself free from any political or commercial influence'';